UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/NGO/5
20 January 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 8 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 January 2000]

GE.00-10320 (E)

1. The International Federation of Human Rights (FIDH) and its member organizations, the Palestinian Center for Human Rights (PCHR) and the Palestinian Society for the Protection of Human Rights and the Environment (LAW), hereby wish to point out that human rights violations are being committed by Israel against the Palestinian population.

1. Conference of High Contracting Parties to the Fourth Geneva Convention of 1949

2. In light of the declining status of human rights in the Palestinian occupied territories, the United Nations General Assembly in resolution ES-10/6 of 9 February 1999, reiterated its recommendation that the High Contracting Parties to the Fourth Geneva Convention convene a conference on measures to enforce the Convention in the Occupied Palestinian Territory. The conference was convened on 15 July 1999, but it was a complete disappointment. The process established to follow up the General Assembly's call for enforcement measures has been politicized by efforts to give political negotiations between the parties to the conflict priority over international humanitarian law. The meeting convened for a symbolic 10 minutes and was concluded with a press communiqué of 10 lines. The results were negligible and the meeting did nothing to attempt to put a stop to the inhumane occupation which continues to kill innocent people, violate basic human rights, contravene international law by building settlements, demolish homes, expel and displace residents, and confiscate private property. The conference was supposed to look at viable measures to enforce the Geneva Convention, put an end to the suffering of Palestinians and discharge the international community of its obligations under international law to enforce measures to guarantee respect for human rights and guarantee the implementation of the Fourth Geneva Convention.

2. Settlements and settler practices and their protection by Israeli soldiers in the Gaza Strip

3. There are 18 Israeli settlements in the Gaza Strip, all concentrated in strategic areas that ensure their security, are close to fresh water resources and have the most fertile soil. Currently, there are 5,000 settlers living in the Gaza Strip settlements and in some cases there are only 10 residents in one or two of the settlements. To gain control of this land and build these illegal settlements, Israel has pursued illegal means including forgery, embezzlement and land confiscation through its infamous "absentee property" law of 1950.

4. The confiscation and expropriation of Palestinian land in the Gaza Strip has continued unabated under the Barak Government and settlement activities have risen. Forty-three separate incidents regarding settlement expansion, by-pass road building and land destruction were recorded in 1999 alone, 33 more than in 1998. Settlers themselves have installed makeshift homes on various locations in the Gaza Strip in preparation for other expansion plans and land has also been confiscated to expand the military installations that surround the settlements and lead into Gaza. Construction of concrete walls around these military installations and the building of new checkpoints give the area the appearance of a war zone.

5. These settlement activities include harassment of Palestinians living near settlements and the increase of settler violence against Palestinians. Many Palestinian residents have been tortured and beaten by settlers and many have been denied access to their agricultural land and

have witnessed their property being ransacked and destroyed. These settlement activities have especially threatened the welfare and existence of an estimated 50 families living in the area of Kahn Younis. On 28 August 1999, all of these families received demolition orders for their houses.

3. Closure policies and violation of the right of free movement

6. Israeli authorities continue to impose restrictions on the movement of individuals between the Gaza Strip and the West Bank. There were 13 days of "super blockades" in 1999, down from 21 days in 1998. However, partial closures continued unabated and have been in effect for most of 1999. During full closure the transfer of goods and commodities is completely stopped and during partial closures only a small amount of cargo was allowed in or out of Gaza.

7. On 25 October 1999, the "safe passage" linking Gaza to the West Bank was opened, but still the Israeli authorities only allow a limited number of individuals to commute between Gaza and the West Bank. Overall, the closures have deeply impacted all aspects of Palestinian life. There are also approximately 1,200 university students who are routinely denied access to West Bank universities. These students are allegedly blacklisted by the Israelis and are currently being pursued by the Israeli authorities.

8. There has been no change in the number of day labourers allowed to enter Israel for employment. The 1998 figure of 25,647 labourers still stands, but it has been widely reported that Israeli military authorities have been confiscating the entry permits of Palestinians wishing to enter Israel for work. An estimated 1,200 permits were confiscated between mid-February and 13 March 1999.

Safe passage

9. On 25 October 1999 the "safe passage" route linking the West Bank with the Gaza Strip was opened. The protocol of the safe passage, signed on 5 October 1999, five years after the initial proposal contained in the Oslo II interim accords, set up the mechanisms needed to facilitate the use of the passage by Palestinians. Unfortunately, the types of procedures stipulated in the protocol could neither have made the passage "safe", nor could they provide security and safety for the individuals who wish to use it as a safety passage. As a matter of fact, they created an atmosphere of fear and apprehension owing to the fact that the Israeli authorities have complete control over the safe passage and a free hand to investigate and detain "undesirable" people using the passage. From 25 October to the end of November 1999, 18,000 people applied for permits to use the passage. The Israeli authorities approved 15,000 (83 per cent); 1,300 applications (7 per cent) were approved on condition that the applicants would be escorted, 2,900 applications (16 per cent) were rejected and an estimated 300 applications (1.6 per cent) were never answered. The rejected applicants included people who are denied entry to Israel under any circumstances. Since its opening on 25 October 1999, the number of people who have actually used the passage has reached 16,000. The number of taxis that use the passage is estimated to be 20-25 per day.

4. Palestinian detainees in Israeli prisons

10. Currently, there are more than 1,650 Palestinians and Arabs being held in Israeli jails. Israeli authorities also continue to detain Palestinians at checkpoints, either as they return home or when they leave Gaza. Under Barak's Government, the Israeli military decided to impose stricter measures against juveniles as well. According to the newly introduced rules, it would be possible to arrest Palestinian children under age 13 and send them to military courts, which often lack the minimum requirements for a fair trial. According to information disseminated by international organizations assisting juveniles, Israel is holding more than 80 Palestinian children in detention.

11. Moreover, Israel holds Palestinian detainees in its own territory, which is also in contravention of the Fourth Geneva Convention, which prohibits the detention and transfer of detainees into the territories of the occupier. In addition to inhumane detention conditions many detainees have been exposed to degrading treatment and torture. In 1999, two Palestinian detainees died in prison: the first was from Gaza and the second from Toulkarem in the West Bank. The first detainee died due to medical negligence, and the second was killed by unidentified assailants. In both cases, the prison administration should have been held responsible for their welfare and safety. In many cases, relatives of detainees are denied access to their loved ones. Moreover, Israel continues to prevent lawyers from visiting their clients and providing them with legal advice.

Israeli High Court outlaws torture

12. On 6 September 1999, the Israeli High Court issued an order outlawing torture. The case against torture was submitted in January 1998 by a number of human rights groups requesting that the High Court pronounce torture illegal. During the proceedings, Israel argued that torture was a necessary defence to protect the State and Israelis. However, these arguments have been disproved both legally and factually. Interrogators have been practising torture methods against Palestinians in Israeli detention, including but not limited to physical and psychological pressure, prolonged sleep deprivation, hooding with a dirty bag, interrogation in the hanging posture, violent shaking, intolerably loud music, the denial of food. However, the court order made an explicit call to the Knesset, the Israeli legislative body, to pass a bill allowing the practice of torture against Palestinian detainees. The Court argued that in order for interrogators to practise physical pressure, the State had to endorse a law that would allow it (see para. 37 of the Court order). The Court also argued that if torture was not indispensable, the Israeli legislative body representing the majority of people should be able to endorse a law in this regard. This should be viewed as a direct call for the legislative body to endorse the law.

13. Many of the violations mentioned above have been occurring for the last 32 years. FIDH and its affiliated organizations, PCHR and LAW, call on the Commission to condemn these Israeli human rights violations in the strongest possible terms and to take action to protect the Palestinian people from the violation of their rights.